

ARIZONA TRADEMARK AND TRADE NAME LAWS

Trademark

A trademark is defined as any word, name, symbol, or device (or any combination thereof) adopted and used by a business to identify goods made or sold by the business to distinguish them from goods made or sold by others.

Registration of a trademark under Arizona law is not obligatory and is effective only within the state of Arizona. If you use a trademark in states other than Arizona, you should check with the other state governments and with the Commissioner of Patents and Trademarks, Washington, D.C. 20231; (800) 786-9199. Extensive information is available on their Web site: <http://www.uspto.gov/>

Registration of a trademark in Arizona is effective for a term of 10 years from the date of registration. Trademark registration may be renewed for an additional 10 years if an application is filed within three months prior to its expiration.

A record of all trademarks registered or renewed under the laws of the State of Arizona is available for public examination in the Arizona Secretary of State's Office, 1700 W. Washington St., 7th Floor, Phoenix, AZ 85007. The telephone number is (602) 542-4285 or statewide toll free (800) 458-5842.

Trade Name

According to Arizona law, "any person, partnership, corporation, firm, association, society, foundation, federation, or organization doing business in the state, or any foreign corporation licensed to exercise its corporate powers in this state may register with the Secretary of State . . . the name, title, or designation under which such applicant is operating...."

Registration of a name, title, or designation under Arizona law is effective for a term of five years from the date of registration. Trade Name registration may be renewed for additional five-year periods by filing an application within six months prior to expiration.

For additional information, please contact the Arizona Secretary of State's Office, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007. The telephone number is (602) 542-6187 or statewide toll free (800) 458-5842.

Copyright

Copyright is a form of protection provided to authors of "original works" including literary, dramatic, musical, artistic and certain other intellectual works. This protection is available for both published and unpublished works. The law generally gives the copyright owner certain rights.

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible, so long as it may be communicated with the aid of a machine or device.

Copyrightable works include the following categories:

1. Literary works
2. Musical works, including any accompanying words
3. Dramatic works, including any accompanying music
4. Pantomimes and choreographic works
5. Pictorial, graphic, sculptural works
6. Motion pictures and other audiovisual works
7. Sound recordings
8. Architectural works

These categories should be viewed quite broadly, for example: computer programs and most "compilations" are registerable as "literary works"; maps and architectural plans are registerable as "pictorial, graphic, and sculptural works."

Several categories of material are generally not eligible for statutory copyright protection. These include:

- Works that have not been fixed in a tangible form of expression, for example: choreographic works that have not been notated or recorded; or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.
- Works consisting entirely of information that is common property and containing no original authorship, for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources.

For additional information, contact the Copyright Office, Room 401, James Madison Building, Washington, D.C. 20540. To speak to a copyright information specialist, call (202) 707-5959, or (800) 688-9889.

The copyright forms and publication "Hot Line" is available 24 hours a day. To request application forms for registration, call (202) 707-9100. Your local library will also have considerable information on this subject.